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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,994	06/17/2005	Michael Rosenbauer	2002P01290WOUS	8036

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

GOLIGHTLY, ERIC WAYNE

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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07/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,994

Applicant(s)

ROSENBAUER, MICHAEL

Examiner

Eric Golightly

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20, 21 and 23-42 is/are pending in the application.
- 4a) Of the above claim(s) 23-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 20, 21 and 23-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 20, 21 and 23-42 are pending. Claims 23-42 are withdrawn. Claims 1-19 and 22 are cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 10039408 to Zucholl (hereinafter "Zucholl") in view of WO 0032864 to Mourad (hereinafter "Mourad").

Regarding claim 20, Zucholl teaches a method for treating objects with at least one treatment agent in a household device (EPO machine translation of Zucholl detailed description, paragraph beginning "Object [sic] of the invention"), comprising: operating a

bar code reader, computer and controller (drawing, ref. 6, 3 and 7), or first part of an identification system, to identify data of a second part of the identification system, the data of the second part of the identification system being associated with a packaging (id., paragraph beginning "In an other [sic] particularly favourable embodiment a reading"); and adapting a treatment of objects by the household device based upon the identified data (id., paragraphs beginning "An apparatus become").

Zucholl does not explicitly teach the data of the second part of the identification system comprises information on a dosing device. Mourad teaches a method of controlling a washing machine (abstract) and discloses operating a washing machine control unit (EPO machine translation of Mourad detailed description, paragraph beginning "Washing machine control") to identify data of an external datum carrier (id, paragraphs beginning "The object is solved by a method" and "The substantial information"), or second part of the identification system, that comprises information on a dosing device (id, paragraphs beginning "The parts of the wash program", "The detergent dosage represents", "On the basis of these ... measured parameters" and "By this 'division of responsibilities'"). The inclusion of the dosing device information is disclosed as advantageously reducing the need for detergent producers to be concerned with the characteristics of dosing devices (id, paragraph beginning "By this 'division of responsibilities'"). It would have been obvious to one of ordinary skill in the art at the time of the invention to include information on a dosing device operable to dose the treatment agent as per the method of the Mourad teaching in the method as per the Zucholl teaching in order to reduce the need for detergent producers to be

concerned with the characteristics of dosing devices. Further, the skilled artisan would have found it obvious to that the information be associated with the packaging of the dosing device to enhance operator and bar code reading of the information.

Regarding claim 21, Zucholl and Mourad disclose the method wherein adapting the treatment of objects by the household device comprises adapting parameters of a treatment control parameter to the information (EPO machine translation of Mourad detailed description, paragraph beginning "Due to the characteristics").

Response to Arguments

5. Applicant's arguments filed 5/13/2009 have been fully considered but they are not persuasive.

Regarding applicant's argument that applied references do not teach or suggest using data comprising information on a dosing device (remarks at paragraph bridging pages 9 and 10), applicant is invited to review the prior Office action at the paragraph bridging pages 5 and 6, wherein Mourad (WO 0032864) is shown to provide that feature. Applicant's attention is directed, for example, to the following: "The parts of the wash program, which are independent of the detergent ... can be programmed ... by the washing machine manufacturer alone (EPO machine translation of Zucholl detailed description, paragraph beginning, "Thus it is for the first time possible to consider the dependences of a detergent of an individual washing machine"); "The detergent dosage represents a simple case of such [a] program influence by washing machine manufacturers (id., paragraph beginning "Because it is to be marked"); "On the basis

these preset or measured parameters the accurate respective quantity of detergent which can be admitted can be determined by the external data carrier” (id., paragraph beginning with this sentence); and “By this ‘division of responsibilities’ the washing machine manufacturer does not have to be concerned with characteristics of the detergent, turned around the detergent producer not with characteristics of *dosing devices*” (id., paragraph beginning with this sentence). Thus, the Mourad disclosure teaches, or at least suggests, that a manufacturer’s ‘division of responsibilities’ includes providing data comprising information on a dosing device, which information is used for a wash program.

Response to Amendment

6. The rejection of claims 20 and 21 under 35 USC 112, second paragraph, is withdrawn in view of the amendment and remarks.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Golightly whose telephone number is (571) 270-3715. The examiner can normally be reached on Monday to Thursday, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on (571) 272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EWG
/Michael Kornakov/

Supervisory Patent Examiner, Art Unit 1792